

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TREVIAN EDWARDS

§

VS.

§

CIVIL ACTION NO. 1:21cv19

F.J. GARRIDO

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Trevian Edwards, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this Court.

The respondent filed what has been treated as a motion for summary judgment. The motion is based on petitioner's failure to exhaust administrative remedies. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted and the petition dismissed pursuant to Federal Rule of Civil Procedure 56.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Petitioner filed a response to the motion for summary judgement which the court will construe as objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of petitioner's filings.

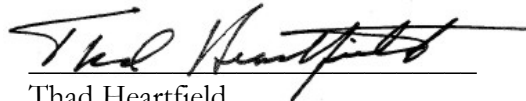
After careful consideration, the court is of the opinion petitioner's objections are without merit. While petitioner asserts other inmates have had difficulty exhausting their administrative remedies, he does not state he has made any attempt to do so himself. As a result, the court agrees with the recommendation of the magistrate judge.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

ADOPTED. A final judgment shall be entered dismissing the petition.

SIGNED this the **28** day of **February, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge